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5 -and-

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10 ATTORNEYS FOR GRUMA CORPORATION D/B/A MISSION FOODS

11 **UNITED STATES BANKRUPTCY COURT**
NORTHERN DISTRICT OF CALIFORNIA
12 **SAN JOSE DIVISION**

13 In re:
14 MI PUEBLO SAN JOSE INC.,
15 Debtor.
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Case No. 13-53893-ASW

Chapter 11

1) **NOTICE OF HEARING ON
MOTION OF GRUMA
CORPORATION D/B/A MISSION
FOODS FOR ALLOWANCE AND
PAYMENT OF ADMINISTRATIVE
EXPENSE CLAIM PURSUANT TO
11 U.S.C. § 503(B)(9);**

2) **WELL FARGO BANK'S
OPPOSITION THERETO; AND**

3) **OPPORTUNITY FOR
HEARING BY OTHER PARTIES ON
SAID APPLICATION**

HEARING DATE: OCTOBER 18, 2013

TIME: 3:00 P.M.

COURT: JUDGE ARTHUR S. WEISSBRODT

26 **TO: THE HONORABLE ARTHUR S. WEISSBRODT, MI PUEBLO SAN JOSE, INC.,**
27 **WELLS FARGO BANK, N.A., AND ALL OTHER INTERESTED PARTIES AND TO**
28 **THEIR COUNSEL OF RECORD:**

1 **PLEASE TAKE NOTICE** that pursuant to 11 U.S.C. § 503(b)(9) and the *Amended*
2 *Order (I) Granting Administrative Expense Status to Debtor's Undisputed Obligations to*
3 *Vendors Arising from Postpetition Delivery of Goods Ordered Pre-Petition and Authorizing*
4 *Debtor to Pay Such Obligations in the Ordinary Course of Business; (II) Authorizing Payment*
5 *for Goods Received Within Twenty Days of Filing and Establishing Administrative Claims Bar*
6 *and to Allow Claims of Perishable Agricultural Commodities Act and Packers and Stockyard Act*
7 *Claimants Date for Section 503(B)(9) Claims; and (III) Establishing Procedures* [Dkt. No. 74]
8 (the "Vendor Order"), Gruma Corporation d/b/a Mission Foods ("Gruma"), creditor in the
9 above-captioned case, filed its *Motion for Allowance and Payment of Administrative Expense*
10 *Claim Pursuant to 11 U.S.C. § 503(b)(9)* (the "Motion") [Dkt. Nos. 198] (the "Application").
11 The completed Application is available for inspection through the electronic docket, at the Office
12 of the Clerk at the U.S. Courthouse, 280 S. First Street, Room 3035, San Jose, CA 95113, or by
13 contacting the undersigned.

14 The Application was electronically served on the Debtor and all parties entitled to service
15 through ECF, including Wells Fargo Bank, N.A., on August 29, 2013. Wells Fargo Bank, N.A.
16 filed its *Opposition to Application of Gruma Corporation d/b/a Mission Foods for Allowance*
17 *and Payment of Administrative Expense Under Bankruptcy Code 503(b)(9)* [Dkt. No. 226] on
18 September 4, 2013.

19 Any other party or person wishing to object to the Application should follow the
20 procedures of Bankruptcy Local Rule 9014-1 of the United States Bankruptcy Court for the
21 Northern District of California by: a) serving a written objection on the initiating party at least 14
22 days prior to the actual scheduled hearing date; and b) serving a copy of the request or objection
23 upon Gruma, the debtor's counsel, counsel for the unsecured creditors committee, counsel for
24 Wells Fargo Bank and the United States Trustee. Any such request for hearing or objection must
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1 be accompanied by any declarations or memoranda of law the requesting or objecting party
2 wishes to present in support of its position. If such a request or objection is timely filed, the
3 hearing on said request or objection will also take place on October 18, 2013 at 3:00 p.m. or, if
4 necessary, a later date, on at least seven days written notice.

5
6 RESPECTFULLY SUBMITTED this 19th day of September, 2013.

7 By: /s/ Bruce J. Zabarauskas

8 **THOMPSON & KNIGHT LLP**

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23 **ATTORNEYS FOR GRUMA CORPORATION D/B/A**
24 **MISSION FOODS**
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1 **CERTIFICATE OF SERVICE**

2 I, Katharine Battaia Clark, declare:

3 I am over the age of eighteen years and not a party to the within action. I am a member of
4 the bar of the State of Texas, and I am admitted *pro hac vice* in this Court. My business address
5 is Thompson & Knight LLP, 1722 Routh Street, Suite 1500, Dallas, Texas 75201.

6 On September 19, 2013, I served the document described as **NOTICE OF HEARING**
7 **ON MOTION OF GRUMA CORPORATION D/B/A MISSION FOODS FOR**
8 **ALLOWANCE AND PAYMENT OF ADMINISTRATIVE EXPENSE CLAIM**
9 **PURSUANT TO 11 U.S.C. § 503(B)(9)** in this action by placing a true and correct copy
thereof in a sealed envelope in the United States Mail, first class, postage prepaid on the parties
indicated below and by the Court's CM/ECF system on all parties consenting to service by
same.

10 Court

11 Judge Arthur S. Weissbrodt
12 c/o Brook Esparza
13 United States Courthouse, Room 3035
280 South First Street
San Jose, CA 95113-3099

United States Trustee
Emily S. Keller, Esq.
Office of the United States Trustee
280 S. First Street, Suite 268
San Jose, CA 95113

14 Debtor

15 Mi Pueblo San Jose, Inc.
16 P.O. Box 3288
12 San Jose, CA 95156

Special Counsel for Debtor
Wm. Thomas Lewis, Esq.
Roberston & Lewis
150 Almaden Boulevard, Suite 950
San Jose, CA 95113-2375


17 Attorneys for Debtor

18 Heinz Binder, Esq.
19 Robert G. Harris, Esq.
20 David B. Rao, Esq.
21 Wendy W. Smith, Esq.
22 Roya Shakoori
Binder & Malter, LLP
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Santa Clara, CA 95050

Attorney for Wells Fargo Bank, N.A.
Robert B. Kaplan
Walter W. Gouldsbury III
Jeffer Mangels Butler & Mitchell LLP
Two Embarcadero Center, Fifth Floor
San Francisco, California 94111

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Executed on September 19, 2013 at Dallas, Texas.

25 
26 Katharine Battaia Clark